

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
NE/S Liberty Parkway, 40' NW
and opposite York Drive
(3448 Liberty Parkway)
12th Election District
7th Councilmanic District
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-550-A
Stephen B. Leese, Sr., et al
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a front yard setback of 13 feet in lieu of the required average of 25 feet for a proposed kitchen addition in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of July, 1990 that the Petition for Residential Variance to permit a front yard setback of 13 feet in lieu of the required average of 25 feet for a proposed kitchen addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

JRH:bjs

J. Robert Haines
Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

July 31, 1990



Dennis F. Rasmussen
County Executive

Mr. Stephen B. Leese, Sr.
Mr. Stephen B. Leese, Jr.
3448 Liberty Parkway
Baltimore, Maryland 21222

RE: PETITION FOR RESIDENTIAL VARIANCE
NE/S Liberty Parkway, 40' NW and opposite York Drive
(3448 Liberty Parkway)
12th Election District - 7th Councilmanic District
Stephen B. Leese, Sr., et al - Petitioners
Case No. 90-550-A

Dear Messrs. Leese:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 303.1

TO ALLOW A FRONT SETBACK OF THIRTEEN FEET IN LIEU OF THE REQUIRED FRONT YARD AVERAGE OF TWENTY-FIVE FEET.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty)

UNABLE TO MAKE REASONABLE USE OF PROPERTY DUE TO GROWTH IN OUR FAMILY. HOUSE WAS NOT BUILT WITH A DINING ROOM. WE WOULD LIKE TO BUILD AN ADDITIONAL ROOM FOR A DINING AREA.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney's Name

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

Address

City/State/Zip Code

Signature

Address

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

ORDERED by the Zoning Commissioner of Baltimore County, this 15th day of June, 1990, that the subject matter of this petition be posted on the property on or before the 4th day of July, 1990.

ZONING COMMISSIONER OF BALTIMORE COUNTY

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation in Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County 100, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock.

ZONING COMMISSIONER OF BALTIMORE COUNTY

90-550-A
ZONING DESCRIPTION
BEGINNING AT A POINT ON THE EAST SIDE OF LIBERTY PARKWAY AT THE DISTANCE OF 40 FEET WEST AND OPPOSITE YORK DRIVE BEING LOT #23, BLOCK 3 IN THE SUBDIVISION OF DUNDALK AS RECORDED IN BALTIMORE COUNTY PLAT BOOK JWB 14 VOLIO 115 CONTAINING 118 ACRE 1. ALSO KNOWN AS NO. 3448 LIBERTY PARKWAY IN THE 12TH ELECTION DISTRICT.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
Account: R-001-6150
Number
No 2746

Date
6/15/90
H9000445
PUBLIC HEARING FEES
010 -ZONING VARIANCE (IRL) 1 X \$35.00
080 -POSTING SIGNS / ADVERTISING 1 X \$25.00
TOTAL: \$60.00
LAST NAME OF OWNER: LESEE
B 049*****6000: a 8154F
Please make checks payable to: Baltimore County
Cashier Validation:

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 12th
Date of Posting 6/28/90
Posted for: Variance
Petitioner: Stephen B. Leese, Sr. & Stephen B. Leese, Jr.
Location of property: NE/S Liberty Pkwy, 40' NW York Pkwy
3448 Liberty Pkwy
Location of Sign: 12th & York Pkwy, 22nd & York Pkwy
0.71 Pro Party of Baltimore
Remarks: [Signature]
Posted by: [Signature]
Date of return: 6/28/90
Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

July 6, 1990



Dennis F. Rasmussen
County Executive

Mr. Stephen B. Leese, Sr.
3448 Liberty Parkway
Baltimore, MD 21222

RE: Item No. 445, Case No. 90-550-A
Petitioner: Stephen B. Leese, et al
Petition for Residential Variance

Dear Mr. Leese:
The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If at this time that comment or request information are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINKIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 15th day of June, 1990.

J. Robert Haines
Zoning Commissioner

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Stephen B. Leese, Sr., et ux

Petitioner's Attorney:

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5000
(301) 887-4500

Paul H. Reincke
Chief

JUNE 28, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: STEPHEN B. LESEE, SR. AND JR.
Location: 3448 LIBERTY PARKWAY
Item No.: 445 Zoning Agenda: JULY 3, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 22

REVIEWER: [Signature] Noted and Approved
Special Inspection Division Fire Prevention Bureau

JK/REK

JL 05 900

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

90-550-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/does presently or upon settlement will reside at

3448 LIBERTY PARKWAY
(Address)

That based upon personal knowledge, the following are the facts upon which I/we have the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

UNABLE TO MAKE REASONABLE USE OF OUR PROPERTY DUE TO GROWTH IN OUR

FAMILY. HOUSE WAS NOT BUILT WITH A DINING ROOM. WE WOULD LIKE TO

BUILD AN ADDITIONAL ROOM FOR USE AS A DINING ROOM.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Stephen B. Leese, Sr.
AFFIANT (Handwritten Signature)

Stephen B. Leese, Jr.
AFFIANT (Handwritten Signature)

Stephen B. Leese, Sr.
AFFIANT (Printed Name)

Stephen B. Leese, Jr.
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12th day of June, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

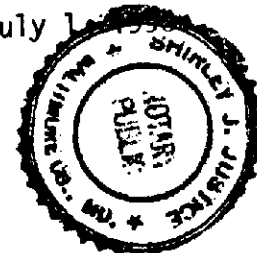
Stephen B. Leese, Sr., and Stephen B. Leese, Jr.

the Affiant(s) herein, personally known or satisfactorily identified to me as each Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

June 12, 1990
DATE

Shirley J. Justice
NOTARY PUBLIC
Shirley J. Justice
My Commission Expires: July 1, 1991



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

June 20, 1990



Dennis F. Rasmussen
County Executive

Mr. Stephen B. Leese, Sr.
Mr. Stephen B. Leese, Jr.
3448 Liberty Parkway
Baltimore, Maryland 21222

Re: CASE NUMBER: 90-550-A
ITEM NUMBER: 445
LOCATION: 3448 Liberty Parkway

Dear Sirs:

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before July 4, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is July 19, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

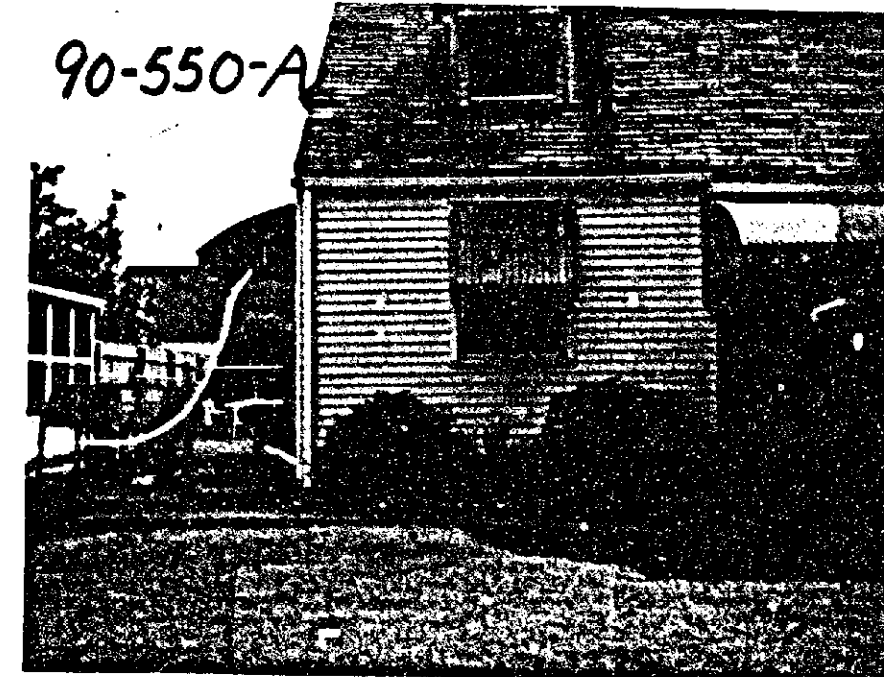
2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

J. Robert Haines
(301) 887-3331

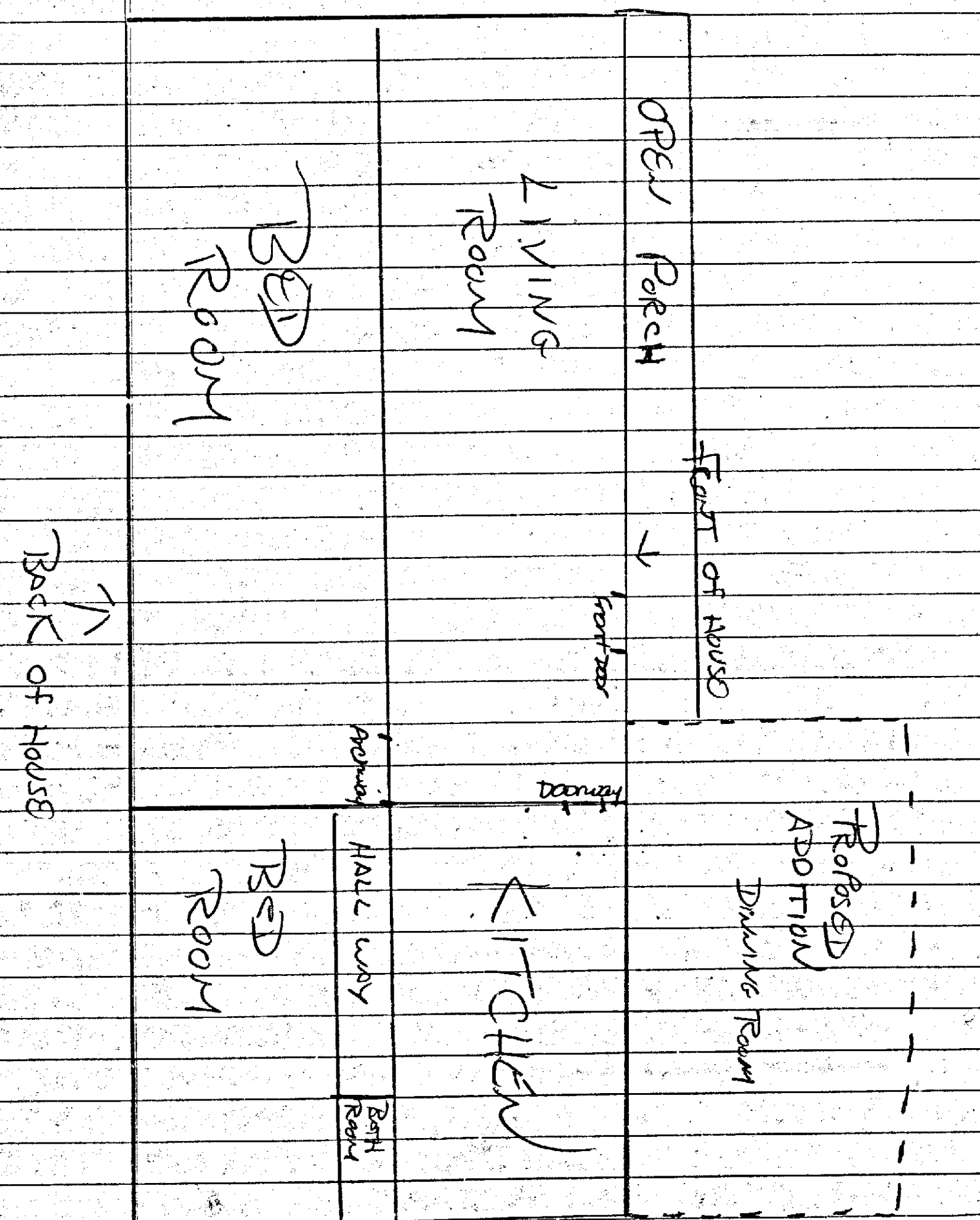
90-550-A



90-550-A



RECEIVED JUL 25 1990



Petitioner's
Exhibit 3
90-550A

RECEIVED JUL 25 1990

7-24-90

To Whom It may Concern:

The reason for building a Dining Room in the front of the house is so that it will join to the kitchen. If it was built to the back you would have to walk through the living room + bedroom to get to the dining room (see attached drawing)

If you should need any further information please do not hesitate to call me.

Work 631-5200 Home 284-2334

Sincerely,
Cammy Leese

Petitioner's
Exhibit 2

90-550A

lat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

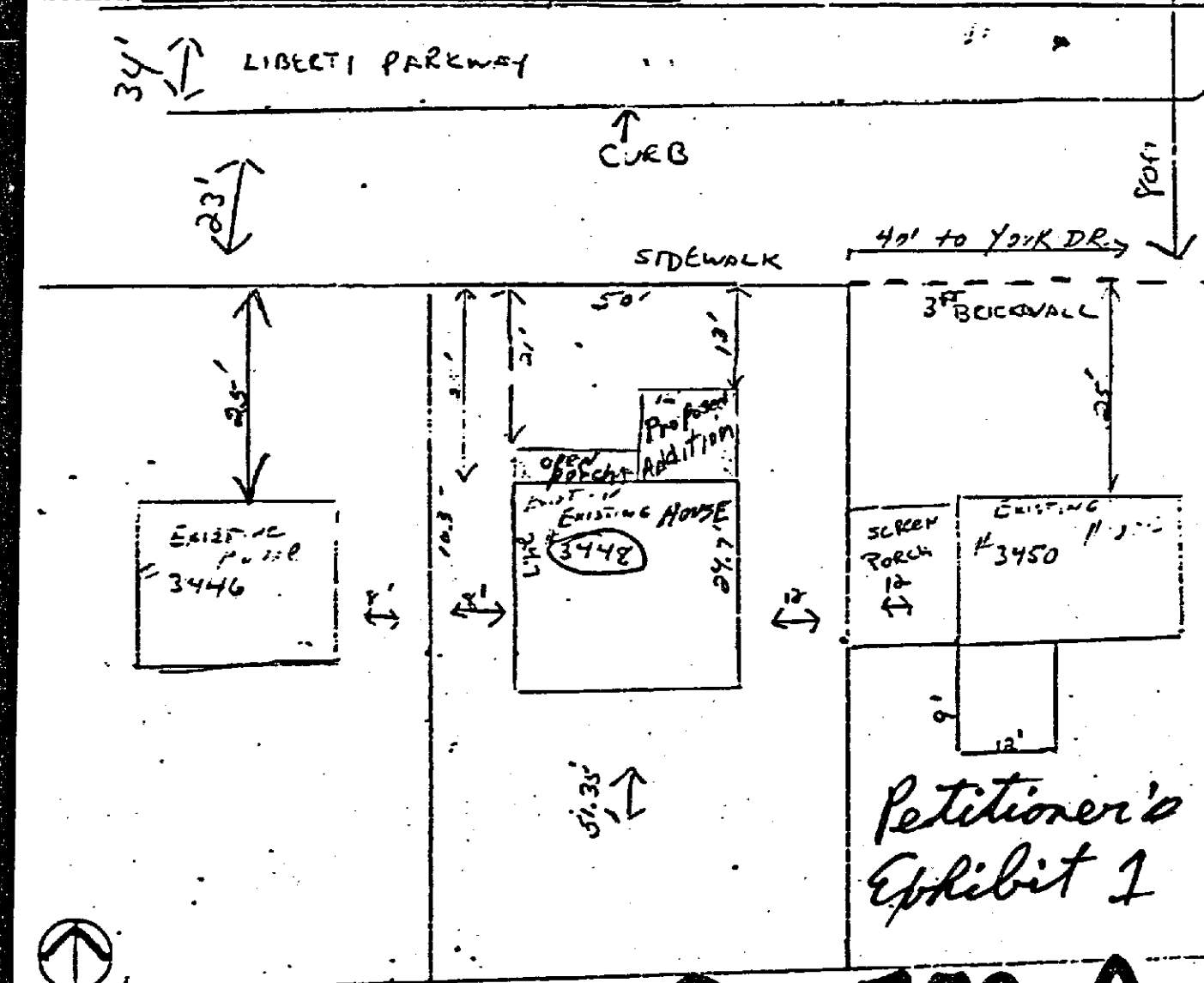
PROPERTY ADDRESS: 3448 Liberty Parkway

see pages 5 & 6 of the CHECKLIST for additional required information

division name: Dundalk

lot block: 14, lot 23, section 3

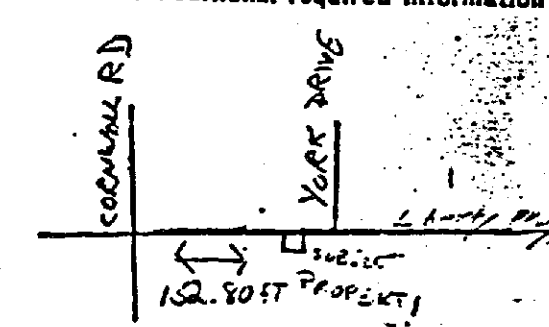
OWNER: Stephen B. Leese Sr. & Stephen B. Leese Jr.



Petitioner's
Exhibit 1
90-550-A

North
at:
repared by:

Scale of Drawing: 1" = 30'



LOCATION INFORMATION

Councilmanic District: 7

Election District: 12

1"=200' scale map: SE, 5-E

Zoning: DR55

Lot size: 0.118 acreage

5150 square feet

SEWER: ☒

WATER: ☒

Chesapeake Bay Critical Area: ☒

Prior Zoning Hearings: None

Zoning Office USE ONLY:

reviewed by: 445

ITEM #: CASE#:

